UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,957	09/29/2003	Craig Nevill-Manning	24207-10063	3799

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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/673,957	NEVILL-MANNING ET AL.
Office Action Summary	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 November 2009</u>.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,4-9 and 20-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,4-9 and 20-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application.

6) ☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Request for

Continued Examination filed 11/05/2009.

B.   Claims 1, 4-9 and 20-33 remains pending.

Continued Examination Under 37 CFR 1.114

C.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/05/2009 has been entered.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1,4-9,16-18 and 20-30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hess et al. (US Patent 6,058,417) in view of Sciammarella et al

(US 5,982,369), herein referred to as "Hess" and "Sciammarella" in further view of

Finseth et al (US Pat. 6,271,840 B1), herein referred to as "Finseth".

As for claims 1,20, 23 and 31, Hess teaches a method and corresponding apparatus,

product and computer readable medium for generating search results for display in

response to a search query comprising: a storage area to store a set of instructions; and

a processor, coupled to the storage area, to execute the instructions which cause the

processor to/ means for: obtain a user generated product search query for relevant

products (col.2, line 23), perform the product search query_ for relevant products, the

performing being done in response to obtaining the product search query, the first user

selection, and the second user selection; obtain search results that reference a set of

products determined to be responsive to the product search query, the set of products

being associated with the plurality of cues (col.2,lines 23-27; col.9,lines 46-63); figure

9A; item 960 as depicted are options presented to the user "Current", "New Today",

"Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's

query to show a sorted presentation based on relevance; col.7,lines 42-67; col.8,lines 1-

34); and outputting instructions for displaying the selected cue of the set of products on

a search result pare in an order corresponding to a relevance ranking and in the

selected output format according to the first user selection and the second user

selection, wherein the plurality of output formats includes a grid view and a list view,

wherein the grid view is comprised of a plurality of cells, and each cell displaying

information corresponding to the selected cue of one product (figure 8 and 9; col.8,lines

61-67; col.9,lines 1-63).

Hess does not specifically mention only depicts in figure 9A displaying the set of links in

an order corresponding to a relevance ranking. However in the same field of endeavor

Sciammarella teaches displaying information representing search results in an order

corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to

one of ordinary skill in the art to have combine Sciammarella into Hess, this is true

because Both Sciammarella and Hess teach that of displaying information to the user

based on a users search query, wherein the display of information is ordered and

presented in an organized format, such that Sciammarella presents a small variation of

how to add another functionality to the already extensive list of formats of Hess (note

Sciammarella co1.1, lines 34-47; col.2,1ines 2-30).

Hess as modified by Sciammarella does not specially teach that the user has defined

preferences to the format of the presentation of results from a search query; however in

the same field of endeavor Finseth teaches together with a first user selection of a

selected output format from a plurality of output formats and a second user selection of

a selected cue from a plurality of cues (col.10,lines 15-30; col.9,line 20-col.10,line 14). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

have combine Finseth into Hess as modified by Sciammarella, this is true because

Finseth teach that of displaying information to the user based on a users search query,

wherein the display of information is ordered and presented in an organized format,

such that Finseth presents a small variation of allowing the user to customize the page

format prior to searching (col.2,lines 26-47; col.10,lines 15-30).

As for claim 4, Hess teaches the method of claim 1, further comprising:

generating, for each of the set of products a first set of cues for

output in a first one of the plurality of user output formats, and

a second set of cues for output in a second one of the plurality

of user output formats (figure 9A; col.9, lines 1-63).

As for claim 5, Hess teaches the method of claim 4, further comprising generating the

first set of cues for output as a first type of media and the second set of cues as output

as a second type of media (figure 9A; col.9, lines 1-63).

As for claim 6, Hess teaches the method of claim 4, further comprising generating

the first set of cues for output as text, and generating the second set of cues for output

as a truncated version of the first set of cues (col.9, lines 45-63).

As for claim 7, Hess teaches the method of claim 5, further comprising generating

the first set of cues for output as an image (figure 9A; col.9, lines 1-63).

As for claim 8, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as audio (col.8, lines 36-59).

As for claim 9, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as text (figure 9A; col.9, lines 1-63; col.8, lines 61-67).

As for claim 21, Hess teaches the apparatus of claim 20, wherein the instructions further cause the processor to: generate, for each of the set of products, a first set of cues for output in a first one of the plurality of output formats, and a second set of cues for output in a second one of the plurality of output formats (figure 1 and 9A).

As for claim 22, Hess teaches the apparatus of claim 21, wherein the instructions further cause the processor to: generate the first set of cues for output as a first type of media and the second set of cues as output as a second type of media (figure 9A; col.9, lines 1-63).

As for claim 24, Hess teaches the product search engine system of claim 23, further comprising: means for generating, for each of the set of products, a first set of cues for output in a first one of the plurality of output formats, and a second set of cues for output in a second one of the plurality of output formats (figure 9A; col.9, lines 1-63).

As for claim 25, Hess teaches the method of claim 1, wherein the relevance ranking

comprises a numerical value corresponding to a calculated relevance of each product

document determined to be responsive to the query (figure 9A; item 960 as depicted are

options presented to the user "Current", "New Today", "Ending Today", "Completed" and

"Going, Going, Gone" links to sort the current user's query to show a sorted

presentation based on relevance).

As for claim 26, Hess teaches the apparatus of claim 21, wherein the instructions further

cause the processor to: generate the first set of cues for output as text, and the second

set of cues for output as a truncated version of the first set of cues(figure 9A; item 960

as depicted are options presented to the user "Current", "New Today", "Ending Today",

"Completed" and "Going, Going, Gone" links to sort the current user's query to show a

sorted presentation based on relevance).

As for claim 27, Hess teaches the apparatus of claim 21, wherein the instructions further

cause the processor to: generate the first set of cues for output as an image(figure 9A;

item 960 as depicted are options presented to the user "Current", "New Today", "Ending

Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to

show a sorted presentation based on relevance).

As for claim 28, Hess teaches the apparatus of claim 21, wherein the instructions further

cause the processor to: generate the first set of cues for output as audio(figure 9A; item

960 as depicted are options presented to the user "Current", "New Today", "Ending

Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to
show a sorted presentation based on relevance).

As for claim 29, Hess teaches the method of claim 1, wherein the grid view comprises a
rectangular matrix of rows and columns forming the plurality of cells (figure 9a; col.9,
lines 1-63).

As for claim 30, Hess teaches the apparatus of claim 21, wherein the instructions further
cause the processor to: generate the first set of cues for output as text (column9, lines
45-63; user chooses a list view or grid view).

As for claim 32, Hess teaches the computer-readable storage medium of claim 31,
further comprising executable computer program code for:
generating, for each of the set of products, a first set of cues for output in a first one of
the plurality of output formats, and a second set of cues for output in a second one of
the plurality of output formats (figure 9A; col.9, lines 1-63).

As for claim 33, Hess teaches the computer-readable storage medium of claim 32,
further comprising executable computer program code for:
generating the first set of cues for output as a first type of media and the second
set of cues as output as a second type of media (figure 9A; col.9, lines 1-63).

(Note:)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 11/05/2009have been fully considered but they are

not persuasive.

A1.   Applicant argues against newly added limitation.

R1.   Examiner notes the new claim analysis and the newly cited art above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday

- Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
January 15, 2010

/Ba Huynh/
Primary Examiner, Art Unit 2179